

*O 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT

DISTRICT OF

DELAWARE

CORPORAL TRINIDAD NAVARRO

SUBPOENA IN A CIVIL CASE

V.

CHRISTOPHER A. COONS, individually and in his
 official capacity; GUY H. SAPP, individually
 and in his official capacity; and NEW CASTLE
 COUNTY, a municipal corporation

CASE NUMBER: ¹ 05-565 GMS

TO: SGT. ROBERT SCHLECKER
 DEPT. OF PUBLIC SAFETY
 3601 N. DuPONT HIGHWAY, NEW CASTLE, DE 19720

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Rosenthal, Monhait & Goddess, P.A.
 Suite 1401, 919 Market Street
 Wilmington, DE 19801

DATE AND TIME

June 28, 2006 at
 2:30 p.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): All minutes and records of Fraternal Order of Police New Castle Lodge No. 5, its Rules Committee or any other committee thereof, concerning the presentation of a May 3, 2005 memorandum requesting assistance and a July 5, 2005 memorandum requesting funding, as well as any discussion, deliberation and resolution on those memoranda. (The memoranda are attached.)

PLACE

Rosenthal, Monhait & Goddess, P.A.
 Suite 1401, 919 Market Street
 Wilmington, DE 19801

DATE AND TIME

June 28, 2006 at
 2:30 p.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S NAME AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Attorneys for Defendants

Christopher A. Coons and Guy Sapp

DATE

6/15/06

ISSUING OFFICER'S NAME ADDRESS AND PHONE NUMBER

Jeffrey S. Goddess, Rosenthal, Monhait & Goddess, P.A.,
 Suite 1401, 919 Market Street, Wilmington, DE 19801 (302) 656-4433

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

NEW CASTLE COUNTY

DIVISION OF POLICE

MEMORANDUM

TO: FOP Vice President, Sergeant Robert Schlecker, Rules Committee Chairperson

FROM: Detective L. Rob Joseph, Detective Joseph Trala, Cpl. Trinidad Navarro

SUBJECT: Request for Funding

DATE: July 5, 2005

This memorandum is submitted to formally request permission to seek out an attorney with FOP funding in an amount not to exceed \$5,000. We understand any attorney obtained will be paid at the current "Plea" rate. We understand the money will be paid directly to an attorney and any additional cost will be covered by the requesting officers.

(i) fails
(ii) req.
travel to a place more
employed or re

NEW CASTLE COUNTY

DIVISION OF POLICE

MEMORANDUM

TO: FOP Board of Directors

FROM: Detective John Freadwell, Detective L. Rob Joseph, Ofc. Patricia
Davies, Detective Joseph Trala, Cpl. Trinidad Navarro, Ofc. Wendi
Feeser. *LRJ* *WBF*

SUBJECT: Promotion Policy

DATE: May 3, 2005

We are officially seeking your assistance with determining the status of the Sergeant promotional opportunities. It is our understanding the FOP has a standing agreement with the Colonel regarding filling opening positions within 60 days of a vacancy. We would like to know two things. First, why haven't the recent openings been filled? Second, how many openings are currently available?

As you know, six sergeants have already been promoted from the current certified list. What action, if any, has the FOP made to ensure these positions are filled?

PROOF OF SERVICE

DATE

PLACE

SERVED

6/16/06

3601 N. DUPONT HWY NEW CASTLE, DE

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SGT ROBERT SCHLECKER

ACCEPTED BY JAMES WILLEY

SERVED BY (PRINT NAME)

TITLE

DENORRIS BRITT

PROCESS SERVER

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

6/16/06

DATE

SIGNATURE OF SERVER

BRANDYWINE PROCESS SERVERS, LTD.
P.O. BOX 1360
WILMINGTON, DE 19899-1360
302-475-2600

Rule 45, Federal Rules of Civil Procedure, Parts C & D-

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials; or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(h) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that,

subject to the provisions of clause (c)(3)(B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.